

____ JOINT RESOLUTION NO. ____

INTRODUCED BY _____

(Primary Sponsor)

BY REQUEST OF THE HOUSE LOCAL GOVERNMENT STANDING COMMITTEE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF SHERIFF QUALIFICATIONS.

WHEREAS, the Montana Constitution provides for the office of sheriff in each county, establishes that any qualified elector is eligible for public office, and provides that the Legislature may establish additional qualifications for public office; and

WHEREAS, the qualifications for a sheriff are minimal, including being of voting age, a citizen of the state, and an elector in the county where the person would be sheriff; and

WHEREAS, qualifications for deputy sheriffs and other peace officers are more stringent, including that a deputy:

(1) is a high school graduate or the equivalent;

(2) is of good moral character, has not been convicted of a felony, and has not recently affiliated with a subversive organization;

(3) is in good physical condition;

(4) must pass an oral examination for communication skills, temperament, motivation, and other characteristics related to being a peace officer; and

(5) must meet standards for employment promulgated by the Montana public safety officer standards and training council; and

WHEREAS, the duties of Montana sheriffs, including administrative and enforcement duties, are varied, complex, and increasing due to state growth in population and diversity; and

WHEREAS, the Legislature has established qualifications for continuing education requirements or voluntary certification programs for other local offices, including coroner, county attorney, and justice of the peace; and

WHEREAS, legislation regarding sheriff qualifications has failed in each of the last two legislative sessions.

1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 STATE OF MONTANA:

3 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to
4 section 5-5-217, MCA, or direct sufficient staff resources to consider whether to establish sheriff qualifications
5 and, if so, what those qualifications should be and whether those qualifications should apply before or after a
6 person is elected sheriff.

7 BE IT FURTHER RESOLVED, that the study consider if continuing education requirements and voluntary
8 certification programs are appropriate for sheriffs or other public safety officers.

9 BE IT FURTHER RESOLVED, that the designated interim committee consult with state and county
10 agencies and other stakeholders as appropriate, including the Department of Justice, the Montana Law
11 Enforcement Academy, the Montana Public Safety Officers Standards and Training Council, the Montana Sheriffs
12 and Peace Officers Association, and the Montana Association of Counties.

13 BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be
14 presented to and reviewed by an appropriate committee designated by the Legislative Council.

15 BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review
16 requirements, be concluded prior to September 15, 2010.

17 BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions,
18 comments, or recommendations of the appropriate committee, be reported to the 62nd Legislature.

19 - END -